

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANGIOSCORE, INC.,

Plaintiff,

vs.

TRI REME MEDICAL, INC., *et al.*,

Defendants.

Case No.: 12-CV-3393 YGR

ORDER RE: JOINT DISCOVERY LETTER BRIEF  
(DKT. NO. 92); ORDER TO SHOW CAUSE;  
SCHEDULING ORDER

**I. ORDER RE: JOINT DISCOVERY LETTER BRIEF**

Having duly considered the parties' Joint Discovery Letter Brief (Dkt. No. 92), the Court **DENIES** the request for relief of Defendants TriReme Medical, Inc. and Dr. Eitan Konstantino (collectively, "Trireme").

**II. ORDER TO SHOW CAUSE**

TriReme is hereby **ORDERED TO SHOW CAUSE** why cost-shifting sanctions should not be awarded to AngioScore for TriReme's attempt to obtain injunctive relief in the guise of a discovery order.

AngioScore shall respond to this Order to Show Cause no later than **Thursday, October 10, 2013** by electronically filing evidence of the fees it has incurred in connection with the dispute reflected in Docket Number 92, accompanied by a brief of no more than four (4) pages. TriReme shall respond no later than **Monday, October 14, 2013** in a brief of no more than four (4) pages. No reply is permitted. The Order to Show Cause shall be heard **November 8, 2013, at 9:30 am**

### III. SCHEDULING ORDER

With respect to AngioScore's pending Motion to Modify the Case Management Scheduling Order and Motion for Leave to File Supplemental and Second Amended Complaint (Dkt. No. 90), the Court **ORDERS** the following schedule be set:

Motion filed	October 2, 2013
Deadline for filing opposition or statement of non-opposition	October 16, 2013
Deadline for filing of any reply	October 23, 2013
Hearing Date	<b>November 8, 2013 at 9:45 am</b>

In light of the nature and progress of this litigation, the Court deems it necessary to set a trial date and all related deadlines. The parties shall proceed without the benefit of an early claims construction order. Accordingly, the **COURT HEREBY ORDERS AS FOLLOWS:**

Fact discovery cutoff	January 17, 2014
Deadline to complete private mediation	January 31, 2014
Deadline to serve affirmative expert reports	February 7, 2014
Deadline to serve rebuttal expert reports	February 28, 2014
Expert discovery cutoff	March 21, 2013
Pre-filing conference for any summary judgment motion(s)	April 9, 2014 at 2:00 pm
Deadline to file summary judgment motion(s) <sup>1</sup> and/or any <i>Daubert</i> motions	April 22, 2014
Hearing on any summary judgment and/or <i>Daubert</i> motions	May 27, 2014
Compliance Hearing <sup>2</sup>	August 15, 2014 at 9:01 am
Joint Pretrial Conference Statement Due	August 22, 2014
Pretrial Conference	September 5, 2014
Trial Date	<b>September 22, 2014 at 8:30 am</b> (Number of days allowed to be set by the Court after the hearing on any motion(s) for summary judgment)

<sup>1</sup> If both sides intend to file summary judgment motions, they shall be framed as cross-motions and briefed via a single motion and single response for each side, such that the Court receives from the parties four briefs in total.

<sup>2</sup> A Compliance Hearing is set to confirm that counsel have timely met and conferred as required by the Standing Pretrial Instructions Order and any specific such order for this action. Five (5) business days prior to the date of the compliance hearing, the parties shall file a Joint Statement confirming they have complied with this requirement or explaining their failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed if the parties have submitted a Joint Statement in a timely fashion. Failure to do so may result in sanctions.


1 The Court's Pretrial Instructions in Civil Cases have significant requirements, including  
2 various deadlines to prepare for trial. At a minimum, trial counsel are required to make exchanges  
3 twenty-eight days in advance of the Pretrial Conference and to *meet and confer at least twenty-one*  
4 *(21) days in advance of the Pretrial Conference*. However, in certain cases, more time may be  
5 necessary to prepare in light of the complexities of the case.

6 The parties must comply with both the Court's Standing Order in Civil Cases and Standing  
7 Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. All Standing  
8 Orders are available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

9 This Order terminates docket number 92.

10 **IT IS SO ORDERED.**

11 Dated: October 8, 2013

12   
13 YVONNE GONZALEZ ROGERS  
14 UNITED STATES DISTRICT COURT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28